

# Federal Emergency Management Agency

Washington, D.C. 20472

MEMORANDUM FOR: Mitigation Division Directors  
FEMA Regions I-X

FROM: Michael Buckley  
Acting Assistant Administrator  
Mitigation Directorate

DATE: 27-FEB-09

SUBJECT: Mitigation Planning (MT-PL) Memorandum #12:  
Communications on Plan Review Status

This memorandum provides direction for corresponding with States and Indian tribal governments on the review of mitigation plans under the Code of Federal Regulations (CFR) Title 44 – *Emergency Management and Assistance*, Part 201, *Mitigation Planning*.

The success of the Mitigation Planning program requires timely and effective coordination with out State and local partners. With a goal to review all plans within 45 days, the direction in this memorandum is an initial step. The following procedures are to be uniformly applied by all Federal Emergency Management Agency (FEMA) offices when reviewing State, local or Tribal Mitigation Plans in accordance with 44 CFR 201.

## **Approval Letters**

Correspondence for all approved (i.e., adopted by the jurisdiction(s) and approved by FEMA) mitigation plans will be accompanied by a letter signed by the Regional Administrator, or his/her designee. This designee may be the Regional Mitigation Division Director, Risk Analysis Branch Chief, or other approved plan, jurisdiction(s) that have adopted the plan, date(s) of plan adoption, date of plan approval, and the expiration date of FEMA's approval of the plan. (*See Sample Letters attached.*)

For multi-jurisdictional plans, this information may be included in the crosswalk or other attachment. In addition, approval letter(s) for multi-jurisdictional plans will clearly read that the expiration date of FEMA's approval of the plan applies for all participating jurisdictions, regardless of different adoption dates. If the plan is multi-jurisdictional and all participating jurisdictions' adoptions are not received by FEMA at the same time, more than one approval letter will be sent to the State or Indian Tribal government as additional adoptions are received by FEMA. (*See Sample Letter #2 attached.*)

Correspondence for all approved mitigation plans will be accompanied by a completed Mitigation Plan Review Crosswalk, located in FEMA's *Multi-Hazard Mitigation Planning Guidance*. The *Multi-Hazard Mitigation Planning Guidance* is the official guidance to develop and review new and updated mitigation plans to meet the requirements of 44 CFR 201.

### **Local Mitigation Plan Review Timeframes**

If FEMA is unable to complete a Local Mitigation Plan review within 45 days of receipt from the State, the Regional Administrator, or his/her designee, will *either*:

- a. Send a signed letter to be received by the State within 10 calendar days after the end of the 45-day review period. The letter will include an explanation of the cause of any delays in the review of the local mitigation plan and a reasonable projection of the date by which the plan review will be completed. (*See Sample Letter #5 attached.*) If a completed review is sent to the State within 10 calendar days after the end of the 45-day review period, a signed cover letter will indicate the reason for the delay.
- or*
- b. Send a monthly status update, with a signed cover letter, to each State listing the status of all plans submitted to FEMA for review. This will include, at a minimum, the status of all plans received and currently under review, a reasonable projection of the date by which the plan review will be completed, and the cause for delays for any plans projected to be reviewed more than 45 days after receipt. This monthly update may also include plans approved, plans nearing expiration, or other status categories as deemed appropriate by the Region.

### **State and Tribal Mitigation Plan Review Timeframes**

If FEMA is unable to complete a State or Tribal Mitigation Plan review within 45 days of receipt from the State, the Regional Administrator, or his/her designee, will send a letter to the State prior to the review deadline. FEMA will provide a written explanation of the cause of any delays in the review of the State or Tribal Mitigation Plan, including a reasonable projection of the date by which the plan review will be completed. If FEMA is unable to complete an Enhanced Mitigation Plan review within 45 days of receipt, the letter may be sent by either the Region or Headquarters, and will include a proposed schedule for the Enhanced Plan Review Panel as well as any remaining Regional reviews.

## **Review of Plan Revisions**

When a plan is not approved upon the first review, and requires revisions to meet 44 CFR Part 201, FEMA will complete subsequent plan reviews within 45 days of receipt from the State, whenever possible. *Items b and c, Review Timeframes, apply to these subsequent plan reviews as well.*

The review of a revised mitigation plan and FEMA's responses included in any Mitigation Plan Review Crosswalk will take into consideration:

- a. Only those elements of the crosswalk where revisions were required in the previous review(s) to meet 44 CFR Part 201;
- b. information in the plan was deleted or changed from its previous version to make the plan no longer meet the element of the Mitigation Plan Review Crosswalk; or
- c. the entire plan if received by the Region more than one year after the Region's previous plan review was sent to the State.

**This Guidance is effective for all mitigation plans currently under review and all mitigation plans submitted to FEMA on or after the date of this memo.** If you have any questions regarding this policy, please contact me or have a member of your staff contact Kathleen Smith by telephone at (202) 646-4372 or email me at [kathleen.w.smith@dhs.gov](mailto:kathleen.w.smith@dhs.gov).

Attachments (5)

cc: Risk Analysis Branch Chiefs, FEMA Region I-X

**Sample Letter #1**  
**Local Mitigation Plan Approval**

January 1, 2009

Mr. Joe SHMO  
State Department of Emergency Management  
123 Main Street  
Capitol City, US 12345

Dear Mr. SHMO:

I am pleased to inform you that the Federal Emergency Management Agency (FEMA), within the Department of Homeland Security (DHS), formally approves the ***City of Hazardsville Multi-hazard Mitigation Plan***. The referenced plan was officially adopted by the City of Hazardsville by resolution on December 13, 2008. FEMA's approval of the City of Hazardsville Multi-hazard Mitigation Plan will be for a period of five years through January 1, 2014, effective starting the date of this letter.

FEMA Region XI has concluded its review of the referenced plan in conformance with Title 44 Code of Federal Regulations (CFR) Part 201, *Mitigation Planning* and using FEMA's *Multi-Hazard Mitigation Planning Guidance*, the official guidance to develop and review new and updated mitigation plans to meet the requirements of 44 CFR 201. The attached Local Hazard Mitigation Plan Review Crosswalk documents the Region's review and the City's compliance with all required elements of 44 CFR Part 201.6.

The approval of this plan ensures the jurisdiction's continued eligibility for the next five years for project grants under FEMA's hazard mitigation assistance programs, including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, Flood Mitigation Assistance and Severe Repetitive Loss grant programs. All requests for funding, however, will be evaluated individually according to the specific eligibility and other requirements of the particular program under which applications are submitted.

Prior to January 1, 2014, the City will be required to review and revise its plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities, and resubmit it for approval in order to continue to be eligible for mitigation project grant funding.

If you have any questions, please contact \_\_\_\_\_, Community Mitigation Planner, at xxx-xxx-xxxx.

Sincerely,

\_\_\_\_\_, Director  
Mitigation Division

Enclosure

**Sample Letter #2**  
**Multi-Jurisdictional Mitigation Plan Approval**

January 1, 2009

Mr. Joe SHMO  
State Department of Emergency Management  
123 Main Street  
Capitol City, US 12345

Dear Mr. SHMO:

I am pleased to inform you that the Federal Emergency Management Agency (FEMA), within the Department of Homeland Security (DHS), formally approves the ***Hazards County Multi-jurisdictional Mitigation Plan*** for a period of five years through January 1, 2014, effective starting the date of this letter.

FEMA Region XI has concluded its review of the referenced plan in conformance with Title 44 Code of Federal Regulations (CFR) Part 201, *Mitigation Planning* and using FEMA's *Multi-Hazard Mitigation Planning Guidance*, the official guidance to develop and review new and updated mitigation plans to meet the requirements of 44 CFR 201. The attached Local Hazard Mitigation Plan Review Crosswalk documents the Region's review of the Plan's compliance with all required elements of 44 CFR Part §201.6.

The attached Local Hazard Mitigation Plan Review Crosswalk plan lists all of the identified participating jurisdictions. However, FEMA has not received documentation of adoption for all participating jurisdictions as of the date of this letter. Therefore, this letter conveys FEMA's formal approval of the referenced plan for the following jurisdictions:

<u>Jurisdiction</u>	<u>Date of Adoption</u>
Hazards County	December 3, 2008
Town of Hazardsville	December 4, 2008
Town of Midway	December 12, 2008

The remaining participating jurisdictions will receive FEMA approval upon FEMA's receipt of their plan adoption resolutions as long as the adoptions are dated no more than one year from the date of this letter. In addition, the expiration date of FEMA's approval of the ***Hazards County Multi-jurisdictional Mitigation Plan*** applies for all jurisdictions, regardless of different adoption dates.

Sample Letter #2  
Multi-Jurisdictional Mitigation Plan Approval

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The approval of this plan ensures the jurisdictions' continued eligibility for the next five years for project grants under FEMA's hazard mitigation assistance programs, including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, Flood Mitigation Assistance and Severe Repetitive Loss grant programs. All requests for funding, however, will be evaluated individually according to the specific eligibility and other requirements of the particular program under which applications are submitted.

Prior to January 1, 2014, all participating jurisdictions will be required to review and revise their plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities, and resubmit their plan for approval in order to continue to be eligible for mitigation project grant funding.

If you have any questions, please contact \_\_\_\_\_, Community Mitigation Planner, at xxx-xxx-xxxx.

Sincerely,

\_\_\_\_\_, Director  
Mitigation Division

Enclosure

**Sample Letter #3**  
**State Mitigation Plan Approval**

January 1, 2009

Mr. Joe SHMO  
State Department of Emergency Management  
123 Main Street  
Capitol City, US 12345

Dear Mr. SHMO:

I am pleased to inform you that the Federal Emergency Management Agency (FEMA), within the Department of Homeland Security (DHS), formally approves the ***State Hazard Mitigation Plan***, officially adopted by the State on December 15, 2008. The plan is now in compliance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) requirements for a Standard State Mitigation Plan and is approved from the date of this letter for a period of three years through January 1, 2012.

FEMA Region XI has concluded its review of the referenced plan in conformance with Title 44 Code of Federal Regulations (CFR) Part 201, *Mitigation Planning* and using FEMA's *Multi-Hazard Mitigation Planning Guidance*, the official guidance to develop and review new and updated mitigation plans to meet the requirements of 44 CFR 201. The attached State Standard Hazard Mitigation Plan Review Crosswalk documents the Region's review and the Plan's compliance with all required elements of 44 CFR Part §201.4.

The approval of this plan ensures the continued eligibility of non-emergency Stafford Act funding for the next three years within the State. This includes FEMA's hazard mitigation assistance programs, including Hazard Mitigation Grant Program (at the 15% level), Pre-Disaster Mitigation and Repetitive Flood Claims grant programs, as well as Fire Management Assistance Grant Program and Public Assistance grants (Categories C-G). In addition, the approval of this plan allows the State to be eligible for the reduced cost share (90/10) for grants awarded under the Flood Mitigation Assistance and Severe Repetitive Loss grant programs. Approval of this plan does not convey eligibility or pre-approval of projects contained in this plan. All requests for funding will be evaluated individually according to the specific eligibility and other requirements of the particular program under which applications are submitted.

Sample Letter #3  
State Mitigation Plan Approval

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Prior to January 1, 2012, the State will be required to review and revise this plan to reflect changes in development, progress in statewide mitigation efforts, and changes in priorities, and resubmit an updated plan for FEMA approval in order to continue to be eligible for assistance programs referenced above.

If you have any questions, please contact \_\_\_\_\_, Community Mitigation Planner, at xxx-xxx-xxxx.

Sincerely,

\_\_\_\_\_, Director  
Mitigation Division

Enclosure



**Sample Letter #4**  
**Enhanced State Mitigation Plan**

February 18, 2009

Mr. Joe SHMO  
State Department of Emergency Management  
123 Main Street  
Capitol City, US 12345

Dear Mr. SHMO:

I am pleased to inform you that the Federal Emergency Management Agency (FEMA), within the Department of Homeland Security (DHS), formally approves the ***State Enhanced Hazard Mitigation Plan***. This approval modifies the original updated State Standard Mitigation Plan which was approved on January 1, 2009. The plan is now in compliance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) requirements for an Enhanced State Mitigation Plan and is approved from the date of this letter through January 1, 2012.

FEMA's approval of the State Enhanced Hazard Mitigation Plan was based partially in a review of the State's mitigation program management performance [44 CFR §201.5(b)(2)(iii)(A-D)] over four complete quarters ending the last day of the month immediately prior to submission of the plan to FEMA. Please be aware that when the State submits the updated Enhanced Plan for FEMA approval in three years, the review of the State's mitigation program management performance will cover the full period of time between this approval and the next submission of the State Enhanced Plan, and not just the four quarters immediately prior to submission of the updated plan.

Based on the approval of this Enhanced State Mitigation Plan, at the time of a disaster declaration the State will be eligible to receive increased funds under the HMGP, based on twenty percent of the total estimated eligible Stafford Act disaster assistance (44 CFR §201.5 and §206.432(b)(2)). The attached State Standard and Enhanced Hazard Mitigation Plan Review Crosswalks documents the Region's review and the Plan's compliance with all required elements of 44 CFR Part §201.4 and §201.5.

Sample Letter #4  
Enhanced State Mitigation Plan Approval

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Prior to January 1, 2012, the State will be required to review and revise this plan to reflect changes in development, progress in statewide mitigation efforts, and changes in priorities, and resubmit an updated plan for FEMA approval in order to continue to be eligible for assistance programs referenced above.

If you have any questions, please contact \_\_\_\_\_, Community Mitigation Planner, at xxx-xxx-xxxx.

Sincerely,

\_\_\_\_\_, Director  
Mitigation Division

Enclosure

**Sample Letter #5**  
**Plan Review Notice**

January 1, 2009

Mr. Joe SHMO  
State Department of Emergency Management  
123 Main Street  
Capitol City, US 12345

Dear Mr. SHMO:

I am writing to inform you of important information regarding the review of the City of Hazards Local Mitigation Plan. The Federal Emergency Management Agency (FEMA) Region XI office received the plan from the State on November 17, 2008. This is to notify you that we will complete the review of the mitigation plan(s) referenced above within 30 calendar days of this letter.

In accordance with Code of Federal Regulations (CFR) Title 44 - *Emergency Management and Assistance*, Part 201, *Mitigation Planning*, "The Regional review will be completed within 45 days after receipt from the State, *whenever possible*" (44 CFR §201.6). Within the last 45 days, many of our employees have been temporarily deployed to supplement State and local recovery efforts for six declared disasters within the Region. At the same time, Region XI has experienced a significant surge in the number of mitigation plans submitted for review, including the plan(s) referenced above. We can assure you that we have prioritized all mitigation plans submitted for review taking into account both submittal dates and plan expiration dates.

If you have any questions, please contact \_\_\_\_\_, Community Mitigation Planner, at xxx-xxx-xxxx.

Sincerely,

\_\_\_\_\_, Chief  
Risk Analysis Division